

## **Justice Is Not An Empty Word**

**Legal Services Reaches Through Barrier of Poverty to Aid Clients**

*Shirley Downing*

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Thelma James was a prime candidate for a real estate ripoff: She is 68, has precious little money and can't read or write.

"I won't lie to you. I was so-o-o excited," the widow and former duplex dweller said of the purchase of her first home, a sagging frame structure on Snowden. "I was glad to get me a house."

When James realized she had been swindled she turned to Memphis Area Legal Services, which represented her in a lawsuit. Now, James's monthly house notes have dropped from \$796 - more than twice her monthly income - to an affordable \$247. Some of the people who took advantage of her through a questionable loan program were sent to jail.

"I don't know what I would have done without Legal Services," said James. "They solved a lot of my problems."

James is one of more than 3,000 clients served last year by MALS, which provides assistance for civil matters, such as domestic abuse and family-related problems, Social Security and Supplemental Security Income, veterans, housing and consumer fraud cases.

Like James, most clients are elderly or female. Some are handicapped. Some need medical care or veteran's benefits. Some are trying to escape eviction or an abusive marriage. And 87 percent live at or below poverty level.

Shelby County Mayor A C Wharton recently said Legal Services is important for those who, because of poverty or other struggles in life, think justice is an empty word. "They must be given reason to believe that the law is for them too," said Wharton, a former executive director of MALS.

But MALS faces a funding crunch next year, brought on by a \$200,000 shortfall from three revenue sources. Even though more than 150,000 people in Shelby, Fayette, Tipton and Lauderdale counties qualify for public legal aid, the latest census shows a loss of 10,166 poverty-level clients in the area. The population shift translates into a loss of \$163,000 by the parent Legal Services Corp., combined with the loss of \$35,000 in court-generated fees from two other programs.

Lawyers and judges are trying to raise money for the agency that many say has worked magic with little more than gumption, hardscrabble dollars and a rambling, second-floor warren of rooms across the street from City Hall.

Several law firms have donated about \$25,000 and the Community Foundation of Greater Memphis recently pledged \$75,000 over three years.

MALS was formed here more than 30 years ago. Today, 14 staff attorneys, 26 office workers and 21 University of Memphis third-year law students work out of rented offices in the old Claridge Hotel building at 109 N. Main.

Offices are spartan. There are no lush rugs or stylish furniture. The large table in the conference room is simple varnished wood. Offices are small and mostly plain, except for the eclectic mix of pop art, African statuary and neon that adorns litigation director Webb Brewer's space.

Brewer, who has been at the agency 20 years, said there is a need for lawyers of all stripes to help with the problems of the poor.

"The private bar could meet more of the need through pro bono work, but there are still cases that involve the systemic problems for low-income people that we would need to do," said Brewer.

"The legal system marketplace just doesn't serve low-income people too well, except in fee-generating type cases," Brewer said. "If a poor person gets run over by a bus, an attorney might take that case because they might be able to recover part of the damage award as attorney fees. But so many of the cases we handle have to do with basic rights and a decent life. There is just no profit motive."

Larry Pivnick, law professor at the University of Memphis Law School and director of political programs at MALS, said Legal Services is a great learning laboratory for law students.

"There are thousands and thousands of people who have problems that never get an opportunity to appear in court," Pivnick said. "Some people may not be particularly articulate. Courts have rules that clients don't always understand."

Brewer said a major focus of the agency's work involves housing.

"Although a lot of our work is grant-driven, we find that the lack of safe and decent affordable housing and the prevalence of predatory lending are the biggest problems in our client population," Brewer said, referring to clients such as James.

James spoke with a reporter during a recent visit at MALS offices. Other clients there that day included a 42-year-old woman who needed help getting child support payments from her former lover, a married preacher who had fathered a child with her during a six-year affair.

Down the hall was longtime community activist Georgia King, 62, talking to a lawyer about her pending eviction from a high-rise efficiency apartment. King said she is accused of having too much clutter.

"I was homeless when I went there, and everything I got, somebody had give to me," she said, noting she is trying to sift through things. "If they had give me a one-bedroom I would have room for everything."

King has high praise for Legal Services. "They help you in a lot of different areas," she said.

Dana Brandon, 43, turned to MALS for help finding a school and treatment program for her 9-year-old son after it became clear the child would not fit into any of the city school system's special education programs.

Brandon could not hire a private attorney because she has to stay home to tend her son, who is often violent and who requires constant supervision. "I think they have been very helpful," she said.

Andre Turner, an ex-Marine, turned to Legal Services when he was fired from his job for missing too much work. Turner's 12-year-old son needs a kidney transplant and Turner said he had to miss work to take him to numerous doctor and dialysis visits.

When he was fired, Turner's son lost his insurance and his place in line for the transplant.

"I felt like my rights were violated," Turner said, noting that though the case is still pending, Legal Services was able to get the insurance reinstated. The transplant is now closer to reality.

The hardest part of losing his job, Turner said, was answering his son. "He still asks me if he is going to die, and if I'm still going to give him my kidney."